

**REMARKS**

The Examiner has objected to the drawings as indicated in Paragraphs 2, 3 and 4 of the currently pending Office Action. The Examiner has rejected claims 16 through 29 under 35 U.S.C. §112, First Paragraph. The Examiner has rejected claims 1 through 29 under 35 U.S.C. §112, Second Paragraph. Lastly, the Examiner has rejected claims 1 through 11, 14 and 15 under 35 U.S.C. §103. In view of the above amendments to the specification, the claims and the drawings as well as the following remarks, the Applicants respectfully request the Examiner to reconsider the pending objections and rejections.

**Drawing Objections**

The Examiner objected to the drawings since the recited claim language, “the optical performance monitor” in claim 16 and “optical line performance monitor” in claim 25 are not shown. In addition, the Examiner has also pointed out that certain elements such as 210 and 220 are not identically described in the specification. The Examiner also has objected to FIGURES 1 and 2 due to the lack of a prior art label.

In FIGURES 14, 15 and 16, the elements 1120, 1134, 1144 and 1154 are now each labeled as “Optical Line Performance Monitor Unit.” In the corresponding description of FIGURES 14, 15 and 16, these elements are now consistently described as “Optical Line Performance Monitor Unit.”

In FIGURES 4, 5, 6 and 7, the elements 210 and 220 are now respectively labeled as “1st Optical Detection Unit” and “2nd Optical Detection Unit.” In the corresponding description of FIGURES 4, 5, 6 and 7, these elements are now consistently described as “1st Optical Detection Unit” and “2nd Optical Detection Unit.”

In FIGURES 8, 9, 10 and 11, the elements 530 and 535 are now respectively labeled as "1st Optical Detection Unit" and "2nd Optical Detection Unit." In the corresponding description of FIGURES 8, 9, 10 and 11, these elements are now consistently described as "1st Optical Detection Unit" and "2nd Optical Detection Unit."

In FIGURES 14 and 15, the elements 1220 and 1230 are now respectively labeled as "1st Optical Detection Unit" and "2nd Optical Detection Unit." In the corresponding description of FIGURES 14 and 15, these elements are now consistently described as "1st Optical Detection Unit" and "2nd Optical Detection Unit."

FIGURES 1 and 2 are now labeled with "Prior Art" as the Examiner has required.

In addition to the above drawing amendments that the Examiner has required, the Applicants have voluntarily amended FIGURES 4, 12, 14, 15 and 16 in which, the elements 120 and 130 are now respectively labeled as "First Transmission Line" and "Second Transmission Line." In the corresponding description of FIGURES 4, 12, 14, 15 and 16, these elements are now consistently described as "First Transmission Line" and "Second Transmission Line."

Furthermore, the Applicants have voluntarily amended FIGURES 8, 9, 10 and 11, in which, the elements 510 and 515 are now respectively labeled as "First Transmission Line" and "Second Transmission Line." In the corresponding description of FIGURES 8, 9, 10 and 11, these elements are now consistently described as "First Transmission Line" and "Second Transmission Line."

Lastly, in FIGURES 5, 6 and 7, any occurrence of the label, "path" is changed to "line" to be consistent with the corresponding specification.

In view of the above described drawing amendments, the Applicants respectfully request the Examiner to withdraw all of the pending objections to the drawings.

The Section 112, First Paragraph Rejections

The Examiner has rejected claims 16 through 29 under 35 U.S.C. §112, First Paragraph. The Examiner has pointed out that “the optical performance monitor” in claim 16 and “optical line performance monitor” in claim 25 are not shown in the drawings or the specification. Accordingly, as described with respect to the drawing amendments, in FIGURES 14, 15 and 16, the elements 1120, 1134, 1144 and 1154 are now each labeled as “Optical Line Performance Monitor Unit.” In the corresponding description of FIGURES 14, 15 and 16, these elements are now consistently described as “Optical Line Performance Monitor Unit.” In addition, claims 15 and 25 have been also amended to explicitly recite “optical line performance monitor unit.” Any other occurrences of the same claim language have been also amended. For the above reasons, the Applicants respectfully submit to the Examiner to withdraw all of the pending section 112, First Paragraph rejections.

The Section 112, Second Paragraph Rejections

The Examiner has rejected claims 1 through 29 under 35 U.S.C. §112, Second Paragraph. The Examiner has pointed out in claim 1 that a step is omitted for determining performance in the protection line. Accordingly, claim 1 has been amended to explicitly recite the omitted step. In addition, the Examiner has pointed out insufficient antecedent basis for “said step” in claims 4 through 8 and claim 13. The Applicants believe that “said step” has sufficient antecedent basis because these claims explicitly recite “said step (e.” The Applicants, however, further clarified antecedent basis by amending claims 4 through 8 and claim 13 to recite “said designating step (e.” In addition, amended claim 13 further explicitly recites “said determining step c).”

The Examiner has also pointed out indefiniteness without specificity in general. For this, the Applicants have attempted to correct any other indefiniteness in good faith. However, if indefiniteness still exists, the Applicants respectfully request the Examiner to clearly specify in detail exact sources of indefiniteness in the next Office Action. However, if the indefiniteness may be amended via an Examiner's Amendment, the Applicants respectfully request the Examiner to telephone the undersigned. For the above reasons, the Applicants respectfully submit to the Examiner to withdraw all of the pending section 112, Second Paragraph rejections.

#### The Section 103 Rejections

The Examiner has rejected claims 1 through 11, 14 and 15 under 35 U.S.C. §103. However, the Examiner kindly indicated allowance for claims 12 and 13 if they are rewritten to overcome the section 112, Second Paragraph rejections. Accordingly, the patentable feature of objected claim 12 has been incorporated into independent claim 1 as indicated in the above claim amendment. The dependency of claim 13 has been amended to newly amended independent claim 1. Dependent claims 2 through 11, 14 and 15 ultimately depend from newly amended independent claim 1 and incorporate the patentable features of newly amended independent claim 1. Thus, the Applicants respectfully submit to the Examiner to withdraw all of the pending section 103 rejections.

#### Newly Added Claims

Claims 30 through 36 have been added to the current application. The newly added claims have been supported by the original disclosures of the current application, and no new matter has been introduced to the current application. Thus, the Applicants respectfully request to the Examiner to enter and allow these new claims.

**Conclusion**

In view of the above remarks and attachments, the Applicants respectfully submits that all of the pending claims are in condition for allowance and respectfully request a favorable Office Action so indicating.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ken I. Yoshida', is written over a horizontal line.

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